

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Oliver Denzler

Application No.: 10/590,007

Our File: SMB-PT180
(PC 05 063 B US)

Filed: August 21, 2006

Date: April 27, 2010

Confirmation No.: 7070

For: PLUMBING SPOUT DEVICE

Group: 3752

Examiner: Ryan Alexander Reis

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

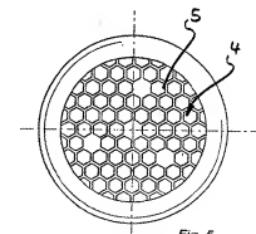
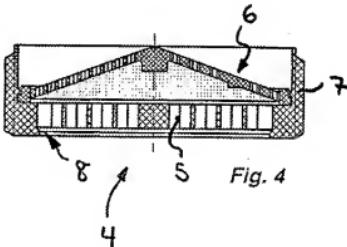
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Claims 1, 3, 5, 6, 9 and 14 stand rejected under 35 U.S.C. §103 as obvious over U.S. Patent No. 3,014,667 to McLean et al. Claims 2, 7 and 11 – 13 stand rejected under 35 U.S.C. §103 as obvious over McLean in view of U.S. Patent No. 6,126,093 to Grether et al.

Claim 1 recites a plumbing spout device (4) including a mounting sleeve having an external thread, which is connected to a water spout, having an internal thread (7), of a plumbing water spout fitment via a screw connection. The plumbing spout device also includes a flow rectifying device (5), and an attachment screen (6) being connected upstream of the flow rectifying device in a direction of flow and a housing neck (8) is connected downstream of the flow rectifying device (5) on the outlet end of the spout device is provided for forming a jet.

The flow rectifying device (5) is provided as a perforated plate and has a perforated area at least in a partial region thereof. An outflow-side of the flow rectifying device is arranged at an outlet of the mounting sleeve and the flow rectifying device is integral with the mounting sleeve. The spout device also includes a contoured outer end face tool attachment surface projecting beyond the thread in the outlet direction for a tool insert.

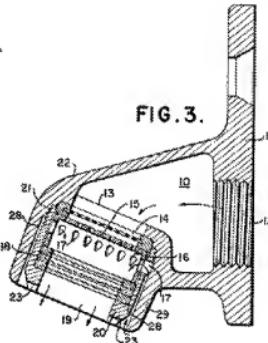


The examiner erred in the Action when stating that McLean discloses a housing neck: "(bottom portion of 2; see Figure 3)". Figure 3 of McLean is reproduced at the right for the examiners' convenience.

Clearly, no such neck is disclosed in McLean as stated by the examiner in the Action. The necking portion as claimed, downstream of the flow rectifying device, restricts the water flow, creating a pooling and calming of the water flowing through the device. McLean simply does not show a neck portion of the housing (20). As shown in Figure 3 of McLean, the housing portion (20) is continuously straight and does not have a neck portion downstream of the flow rectifier as claimed.

Further, the examiner misinterpreted McLean as disclosing a "flow rectifying device (5) being provided as a perforated plate and having a perforated area at least in a partial region thereof, an outflow-side of the flow rectifying device (5) is arranged at an outlet of the mounting sleeve (7)" as claimed.

In the Action, the examiner states that McLean discloses "a flow rectifying device (15), with an attachment screen (14) being connected upstream of the flow rectifying device in a direction of flow, and a housing neck (bottom portion of 20; see



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Figure 3) connected downstream of the flow rectifying device on the outlet end of the spout device..." As clearly visible in Figure 3 of McLean, the perforated plate 15, which is a jet fractionating plate and not a flow rectifier as claimed, is not located at the outlet of the mounting sleeve 20 as claimed. Rather, it is located at the inflow portion of the aerator.

The examiner also states in the Action that it would have been obvious to have made the flow rectifying device of McLean integral with the mounting sleeve. However, the examiner fails to consider that McLean describes a double plate separator which creates great turbulence when it slows down the free flowing water streams that pass over three separate sieves. This complex arrangement would not be simplified or easier to produce if made integral. On the contrary, it would have been preferable to have separate components due to the complex impracticality to make the aerator of McLean integral with the mounting sleeve.

Further, it is improper for the examiner to simply state (in the Response to Arguments section of the Action) that he disagrees with the Applicant simply because McLean does not disclose that the housing and the sieves are made of different materials. Applicant has been active in the field of water handling for over 16 years and can attest to the materials used in aerators as disclosed in McLean. Applicant maintains that at the time of McLean, housings were made of brass and the sieves were made of stainless steel. The sieves were reinforced peripherally

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with washers or nuts to prevent deformation of the sieves. Between the washers or nuts was a holder made of a further different material. In McLean, the different materials used would be an obstruction for one of ordinary skill in the art to consider making the equipment as a single piece.

The examiner also improperly rejected claims 2, 7 and 11 – 13 since these claims depend from claim 1, which was amended in the last Reply to include the features of claim 8. Claim 8 was not rejected in the Action dated August 3, 2009 as obvious over McLean in view of Grether.

In view of the foregoing, the rejection of claims 1-3, 5-7, 9 and 11-14 should be withdrawn.

Respectfully submitted,

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